

DECLARATION OF BARRY VA SICKLE

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3 I, Barry Van Sickle, declare as follows:

4 1. I make the following declaration upon personal knowledge  
5 and could competently testify as set forth herein if called to do  
6 so, except wherein it is stated that statements are made upon  
7 information and belief.

8 2. I am admitted to practice law in the State of California  
9 and am a partner in the firm of Cummins & White.

10 3. Since the granting of defendants' motion to disqualify  
11 the firm of Cummins & White as counsel in the litigation brought  
12 by Vicki and Richard Aznaran against various Scientology entities  
13 and individuals, I have discussed the possible representation of  
14 the Aznarans with various lawyers and have given considerable  
15 thought as to who would be a suitable candidate for representation  
16 of the Aznarans. Under the circumstances, finding replacement  
17 counsel is extremely difficult. The facts present a relatively  
18 unusual situation.

19 4. I know from previous dealings with many firms and  
20 lawyers that they do not take contingency fee cases. Accordingly,  
21 the set of attorneys who are candidates for this representation  
22 excludes most defense firms and large, "full-service" firms. It  
23 is also doubtful that a solo practitioner, assuming he or she had  
24 other clients or responsibilities, would have the time and  
25 resources to litigate against Scientology.

26 5. I have contacted several lawyers who work primarily for  
27 plaintiffs. No one has agreed to take the case. I am reluctant  
28 to mention anyone who even expressed any interest in the case



1 because that could subject the firm to possible infiltration and  
2 harassment. In any event, I have been unable to find a suitable  
3 candidate for representation of the Aznarans.

4 6. Illustrative of reluctance to get involved was the  
5 reaction of the Boccardo law firm. Shortly after the decision was  
6 received, I contacted the Boccardo firm. I understand this firm  
7 to be a leading plaintiffs' firm that utilizes the contingency fee  
8 arrangement. I spoke to one of the members of that firm with whom  
9 I have developed a fairly good working relationship. The Boccardo  
10 firm was not interested in the case; it simply did not want to  
11 become involved in something as potentially time-consuming and  
12 difficult as litigation against Scientology.

13 7. I am informed and believe that in their initial search  
14 for counsel, several prominent plaintiff lawyers from Los Angeles  
15 rejected this case. Typical of this was the reaction of Larry  
16 Feldman, past president of the Los Angeles County Bar Association,  
17 who indicated that life was too short to take such litigation.

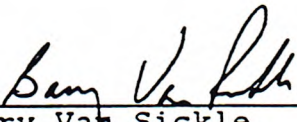
18 8. Illustrative of how reluctant law firms are to tangle  
19 with Scientology is the fact that I have had a major defense firm  
20 tell me that they would be reluctant to become involved in such  
21 litigation even at their standard hourly rates. The concern was  
22 expressed that they did not want their developing lawyers to  
23 divert their careers from regular clients and business activities  
24 and into the strange and narrow area of "cult" law.

25 9. I have spent literally hundreds of hours acquainting  
26 myself with the facts and circumstances of the Aznaran case and  
27 Scientology litigation in general. I estimate that whoever  
28 represents the Aznarans in the future will be required to spend

1 hundreds of hours preparing the case for trial and opposing a  
2 barrage of motions. If I am unable to continue in this case, much  
3 redundant work will be required of my successor. Complicating the  
4 matter further is that any lawyer stepping into the case may  
5 expect to confront yet another round of motions to disqualify and  
6 other forms of harassment. Scientology lawyers have expressed the  
7 view that replacement counsel must come into the case ignorant of  
8 the factual basis and procedural status of the case. I do not  
9 intend to let that happen; however, it adds yet another chilling  
10 effect on the Aznarans' ability and right to retain proper counsel  
11 and have their claims litigated on the merits.

12 I declare under penalty of perjury that the foregoing is true  
13 and correct.

14 Executed this 7 day of October, 1988, at Los Angeles,  
15 California.

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Barry Van Sickle  
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